

A RESOLUTION (*As Amended*)

BY COUNCILMEMBER CLETA WINSLOW

02-R-0383

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A REPLACEMENT WARRANTY DEED CONVEYING PROPERTY TITLED IN THE NAME OF THE CITY OF ATLANTA (SAID PROPERTY BEING KNOWN AS DISPOSITION PARCEL 15, AREA 3 OF THE THEN DESIGNATED MODEL CITIES URBAN REDEVELOPMENT AREA [THE CURRENT ADDRESS BEING 388 GLENN STREET, S.W.]) TO GREATER MOUNT CALVARY BAPTIST CHURCH, THE EXECUTION OF SAID REPLACEMENT WARRANTY DEED BEING NECESSARY DUE TO THE FACT THAT THE ORIGINAL WARRANTY DEED HAS BEEN LOST AND CANNOT BE FOUND IN THE CITY'S RECORDS; TO RESCIND CONFLICTING RESOLUTIONS AND FOR OTHER PURPOSES.

WHEREAS, by a Resolution adopted April 5, 1982 and approved April 13, 1982, the City was authorized to accept a proposal from Greater Mount Calvary Baptist Church (Mount Calvary) to purchase and redevelop Disposition Parcel 15, Area 3 of the then designated Model Cities Urban Redevelopment Area; and

WHEREAS, the City accepted said proposal and the Mayor executed a contractual agreement dated August 13, 1982 with Mount Calvary for the purchase and redevelopment of said property which is adjacent to the existing church building, for a sum of \$40,000.00; and

WHEREAS, at that time, Mount Calvary proposed to construct a new church building for expansion purposes; and

WHEREAS, on June 22, 1983, the property transfer was consummated and closed and the City conveyed the land to Mount Calvary by Warranty Deed dated June 22, 1983

for the purchase price of \$40,000.00; and

WHEREAS, construction of the new church building was due to begin eight (8) years from the date of closing and to be completed within ten (10) years after the closing; and

WHEREAS, by Resolution 92-R-0072 adopted February 17, 1992 and approved February 20, 1992, an amendment to the Redevelopment Agreement was authorized which extended the construction timing of the new church building for five (5) years thereby requiring construction to begin within thirteen (13) years after the closing and the completion of said construction within fifteen (15) years after the closing; and

WHEREAS, by Resolution 96-R-1317 adopted September 16, 1996 and approved September 23, 1996, the construction timing was extended another five (5) years, scheduling construction to begin in 2001 and to be completed in 2003; and

WHEREAS, by Resolution 01-R-0419 adopted March 19, 2001 and approved March 27, 2001, a final amendment to the Redevelopment Agreement was authorized for execution by the Mayor through which amendment Mount Calvary was released from the development obligation to construct the new church building and the City accepted the completion of the development and paving of a parking lot to serve the existing church building as Mount Calvary's full satisfaction of the development agreement; and

WHEREAS, on November 9, 2001, the City issued a Certificate of Completion to Mount Calvary (a copy of which is attached to this Resolution) which represents a conclusive determination by the City of satisfaction and termination of the obligations of Greater Mount Calvary Baptist Church, and its successors and assigns, to construct the

Improvements as related to Parcel 15 Area 3 of the then designated Model Cities Urban Redevelopment Area on the date from the beginning and completion thereof; and

WHEREAS, upon completion of said requirements, the original Warranty Deed executed by then Mayor Andrew Young was to have been delivered to Mount Calvary, however, said original deed could not be located and is presumed to be lost (a photocopy of said deed does exist, however, photocopies of deeds are not acceptable for recordation by the Clerks of the Superior Courts in this State); and

WHEREAS, because of said requirement, it is necessary for the Mayor to execute a replacement Warranty Deed effectuating the conveyance of this property; and

WHEREAS, all redevelopment controls placed upon said property by virtue of the original Warranty Deed, expired on December 31, 2001.

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES
AS FOLLOWS:**

Section 1: The Mayor is hereby authorized to execute a replacement Warranty Deed conveying property titled in the name of the City of Atlanta (said property being known as Disposition Parcel 15, Area 3 of the then designated Model Cities Urban Redevelopment Area (the current address being 388 Glenn Street, SW), said property being further described in the legal description and in the survey hereto attached, **to Greater Mount Calvary Baptist Church. This execution is necessary due to the fact that the original Warranty Deed has been lost and cannot be found in the City's records.**

Section 2 :All resolutions or parts of resolutions in conflict herewith are hereby rescinded.